

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

**DECLARATION OF TERRENCE J.  
FLEMING IN SUPPORT OF  
MOTION TO AMEND  
SCHEDULING ORDER**

Defendants.

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I, Terrence J. Fleming, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company and ACE American Insurance Company (collectively, “Federal”) in this case.

2. Attached as **Exhibit 1** is a true and correct copy of a screenshot from the website of the United States Copyright Office displaying the search results for copyright registrations associated with Plaintiff Fair Isaac Corporation’s (“FICO”) Blaze Advisor software.

3. Attached as **Exhibit 2** is a true and correct copy of FICO’s Initial Disclosures under Federal Rule of Civil Procedure 26(a)(1), dated March 17, 2017.

4. Attached as **Exhibit 3** is a true and correct copy of FICO’s Second Supplemental Initial Disclosures, dated February 12, 2018.

5. Attached as **Exhibit 4** is a true and correct copy of FICO's Third Supplemental Initial Disclosures, dated February 22, 2019.

6. Attached as **Exhibit 5** is a true and correct copy of Federal's First Set of Interrogatories to Fair Isaac Corporation, dated April 18, 2017.

7. Attached as **Exhibit 6** is a true and correct copy of Federal's First Set of Requests for Production of Documents to Fair Isaac Corporation, dated April 18, 2017.

8. Attached as **Exhibit 7** is a true and correct copy of FICO's Answers to Federal's First Set of Interrogatories, dated May 18, 2017.

9. Attached as **Exhibit 8** is a true and correct copy of FICO's Responses to Federal's Requests for Production of Documents, dated May 18, 2017.

10. Attached as **Exhibit 9** is a true and correct copy of excerpts of the deposition transcript of Jean-Luc Marce, taken on November 11, 2021.

11. Attached as **Exhibit 10** is a true and correct copy of a May 19, 2021 email from Heather Kliebenstein to Terrence Fleming.

12. Attached as **Exhibit 11** is a true and correct copy of a May 24, 2021 email from Terrence Fleming to Heather Kliebenstein and Allen Hinderaker.

13. Attached as **Exhibit 12** is a true and correct copy of an August 12, 2021 letter from Terrence Fleming to Heather Kliebenstein, Allen Hinderaker, and Joseph Dubis regarding scheduling the depositions of Jean-Luc Marce and Sean Baseman in mid-September.

14. Attached as **Exhibit 13** is a true and correct copy of a November 10, 2021 email from Kristin Drieman producing FICO0069787

15. Attached as **Exhibit 14** is a true and correct copy of Jean-Luc Marce's software source code analysis produced by FICO on November 10, 2021 and marked as Deposition Exhibit 609.

16. Attached as **Exhibit 15** is a true and correct copy of a November 11, 2021 email from Heather Kliebenstein producing a replacement copy of FICO0069787.

17. Attached as **Exhibit 16** is a true and correct copy of Jean-Luc Marce's corrected software source code analysis produced by FICO on November 11, 2021 and marked as Deposition Exhibit 610.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 28, 2021

*s/ Terrence J. Fleming*

Terrence J. Fleming